



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
BOARD OF MASSAGE AND BODYWORK

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: DPR.DELAWARE.GOV
EMAIL: customerservice.dpr@state.de.us

PUBLIC MEETING MINUTES: **Board of Massage and Bodywork**

MEETING DATE AND TIME: **Thursday, August 21, 2014 at 1:30 p.m.**

PLACE: 861 Silver Lake Boulevard, Dover, Delaware
 Conference Room B, second floor Cannon Building

MINUTES APPROVED: Approved 09/18/2014

MEMBERS PRESENT

Sandra Jachimowski, Professional Member, Vice-President
Gordon Gelley, Public Member
Rachel Dunning, Public Member
Jermaine Cannon, Professional Member

MEMBERS ABSENT

Holly Overmyer, Professional Member, President
Patricia Schumann-Draper, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Eileen Kelly, Deputy Attorney General
Maggie Strauss, Administrative Specialist II

OTHERS PRESENT

Stacey Boyles	Michele Francis
Holly Garay	Jennifer Techentine
Dion Hopkins	Jan H.
Michelle Reynolds	Aimee M. Moulder

CALL TO ORDER

Ms. Jachimowski called the meeting to order at 1:37p

REVIEW OF MINUTES

The Board reviewed the minutes from the June 19, 2014 meeting. A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the minutes as presented. The motion carried unanimously.

Ms. Jachimowski introduced Mr. Cannon as a new Board member. Mr. Cannon gave a brief autobiography and thanked the Board for welcoming him.

UNFINISHED BUSINESS

Propose To Deny Hearing of Dion Hopkins

Ms. Kelly called the hearing to order at 1:41p and stated that today's hearing was a result of the Board's proposal to deny Certified Massage Technician application of Dion Hopkins. Ms. Kelly marked as Board Exhibit #1, a packet of documents for licensure including Mr. Hopkin's application, previous Board order and supporting documents. Board members were introduced and Mr. Hopkins was sworn in and agreed to proceed sans legal counsel.

Mr. Hopkins testified that his CE failure was simply a matter of "procrastination on my part, and I should have provided what the Board requested". He also stated that he was very anxious to get back to work in the profession.

Mr. Gelley asked Mr. Hopkins if he did the required CE since he never responded to the notices he received, to which Mr. Hopkins indicated he tried to fax over the documents, but never confirmed their receipt by the Board. Mr. Hopkins presented the certificates to the Board for review at that time.

Upon further review of Mr. Hopkins application and previous Board Order, Ms. Strauss was sworn in to provide testimony and answer questions from the Board. She indicated that Mr. Hopkins was first licensed in February of 2012, and in accordance with Board Regulation 9.2 was not required to provide proof of CE completion for his first renewal. Ms. Jachimowski agreed, but indicated he is still required to have proof of CPR certification.

The Board went into deliberations at 1:58p; The Board agreed that Mr. Hopkins should have been exempt from audit. However, upon receipt of notice from the Board, Mr. Hopkins should have responded accordingly.

A motion was made by Mr. Gelley, second by Ms. Dunning to approve the CMT application of Dion Hopkins. The motion carried unanimously.

The hearing adjourned and went off record at 2:05p. Verbatim testimony is available via audio recording.

Propose to Deny Hearing of Stacey Boyles

Ms. Kelly called the hearing to order at 2:09p and stated that today's hearing was a result of the Board's proposal to deny the Certified Massage Technician application of Stacey Boyles. Ms. Kelly marked as Board Exhibit #1, a packet of documents for licensure including Mr. Boyles application, criminal background and supporting documents, and Respondent exhibit #1 a letter of character reference from Dawn Career Institute. Board members were introduced.

Mr. Boyles was sworn in and agreed to proceed with the hearing sans legal counsel. Mr. Boyles began his testimony by stating that he learned about potential for the denial after he graduated from school. He went on to state that the incident in question happened almost 10 years ago, a period in his life when he was "a lost child". Mr. Boyles informed the Board that he has since become a father and wants to stay on the right path to set a good example for his children.

Ms. Jachimowski asked the respondent if he had been compliant with court orders surrounding his charges. Mr. Boyles stated that he has paid all of his associated fines and completed probation.

The Board began deliberations at 2:13p, indicating that they were ok with the length of time that has passed since the conviction and that there has been no police contact since. A motion was

made by Ms. Dunning, second by Mr. Cannon to grant a waiver and approve the CMT application of Stacey Boyles. The motion carried unanimously.

The hearing adjourned and went off record at 2:14p. Verbatim testimony is available via audio recording.

Reinstatement Hearing/Request to lift Suspension - Holly Garay

Ms. Kelly called the hearing to order at 2:17p and stated that today's hearing was at the request of Ms. Garay to request the Board lift the suspension placed on her license. Ms. Kelly entered as Board exhibit #1 a copy of the previous Board Orders and correspondence between Ms. Garay and the Board. Ms. Garay was sworn in and agreed to proceed sans legal counsel.

Ms. Garay respectfully asked the Board to lift the imposed suspension from her license as soon as possible. Per the recent Final Board Order, she indicated she has taken the required CE and submitted the certificates as requested. Ms. Strauss testified that she had received and reviewed the CE submitted by Ms. Garay, and that she has successfully completed a total of 32 continuing education hours. The certificates of completion were entered as Respondent Exhibit #1.

Ms. Garay indicated that she originally had a hard time finding approved CE course because she was having difficulty with the website. Since then she has "found a provider in Wilmington who has all of the courses she will need now and in the future".

Ms. Jachimowski asked Ms. Garay if she now has a basic understanding of the CE requirements for licensure, to which Ms. Garay indicated she does. Ms. Jachimowski also advised that the requirements changed for the 2014-2016 licensing period. Ms. Dunning asked if she understood the pre-approval process, to which Ms. Garay indicated she did.

Deliberations began at 2:25p. Ms. Kelly advised the Board that according to Ms. Strauss' testimony, the deficiency has been satisfied. The Board agreed that Ms. Garay now seemed to understand her licensure requirements.

A motion was made by Ms. Dunning, second by Mr. Gelley to lift the suspension on the CMT license of Holly Garay. The motion carried unanimously.

The hearing adjourned and went off record at 2:26p. Verbatim testimony is available via audio recording.

Review and Consideration of Hearing Officer Recommendations

The Board reviewed and discussed the recommendation of Patricia Douglas-Blakey; a motion was made by Mr. Gelley, second by Ms. Dunning to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Michelle Francis; Ms. Francis was in attendance at the meeting and wished to address the Board concerning her recommendation. Ms. Kelly advised Ms. Francis that she may address the Board; however she was not permitted to offer new testimony or evidence. After review and discussion, a motion was made by Ms. Dunning, second by Mr. Gelley to accept the hearing officer's recommendation with the amendments as discussed. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Melody Mercadante; a motion was made by Mr. Gelley, second by Ms. Dunning to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Rose Harris; a motion was made by Mr. Gelley, second by Ms. Dunning to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Ali Lowe; a motion was made by Mr. Gelley, second by Ms. Dunning to amend the recommendation to strike paragraphs 1 and 2 and accept paragraph 3 as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Noel Olson; a motion was made by Mr. Gelley, second by Ms. Dunning to amend the recommendation to strike paragraphs 2 and 3 and accept paragraphs 1, 4 and 5 as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Jennifer Techentine; Ms. Techentine was in attendance at the meeting and wished to address the Board concerning her recommendation. Ms. Kelly advised Ms. Techentine that she may address the Board, however she was not permitted to offer new testimony or evidence. A motion was made by Ms. Dunning, second by Mr. Gelley to amend the recommendation to strike paragraphs 2 and 3 and accept paragraphs 1, 4 and 5 as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Lori Stakiel; a motion was made by Ms. Dunning, second by Mr. Gelley to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Enid Ellis; a motion was made by Ms. Dunning, second by Mr. Cannon to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Leslie Maxwell; a motion was made by Ms. Dunning, second by Mr. Gelley to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Jaan Lutter; Mr. Lutter was in attendance at the meeting and wished to address the Board concerning his recommendation. Ms. Kelly advised Mr. Lutter that he may address the Board, however he was not permitted to offer new testimony or evidence. A motion was made by Mr. Gelley, second by Ms. Dunning to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Kaitlin Economos-Monroe; a motion was made by Mr. Gelley, second by Ms. Dunning to accept the recommendation as written. The motion carried unanimously.

The Board reviewed and discussed the recommendation of Whitney Cooper; a motion was made by Ms. Dunning, second by Mr. Gelley to accept the recommendation as written. The motion carried unanimously.

Ms. Jachimowski called for recess at 3:20p. The meeting reconvened at 3:26p.

Review of CPR Course(s) for Approval

Upon further review of the CPR course approval submitted by the Health & Safety Institute, a motion was made by Mr. Gelley, second by Ms. Dunning to impose final denial on the request for lack of response to Board request (no syllabus supplied). The motion carried unanimously.

ReReview of Reactivation Request

Ms. Jachimowski reviewed the reactivation request of LMT Meredith Winton. Upon review, a motion was made by Ms. Dunning, second by Mr. Gelley to approve the reactivation contingent upon receipt of 1 hour of CE. The motion carried unanimously.

NEW BUSINESS

Ratification of Massage Technician Certifications

A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the ratification of the Massage Technician applications of: Yanchun Lang, Guang Xiu Zhang, Barbara Lynn Norman, Ryan C. Lee, Dennis John Noonan, Dee Henderson Hake, Bronte' LaVerne Wilson, Joshua C. Gaines, Lawrence G. Inocencio, Pauline Pauley-Sturgeon, Jalysa I. Booker, Samuel B. Sheppard, Breanna Tamar Brown, Jacqueline L. Porwoll, Sharmaine LaShawn Hill, Alberta V. Johnson, Michele Denise Carroll and Duane Charles Armstrong. The motion carried unanimously.

Ratification of License Massage Therapists

A motion was made by Mr. Gelley, second by Ms. Dunning, to approve the ratification of the Massage Therapist Certifications of: Christopher D. Dorman, Evelyn M. Abreu, Christopher P. Richardson, Christina F. Chance, Linda D. Bacon, Nadean A. Storey, Teresa Lynn Dickerson, Andrea S. Liantonio, Gail J. Rush-Fallick, Lorie Ann Struzik, Casey F. Hardy, Alisa Carolyn Schneidman, Jennifer E. Harris, Melissa A. Ebling, Zainab Mosunmola Onaneye, Michele L. Eppard, Eliza Madeleine Gerard, Cheryl C. Maxwell, Nicole M. Lupo, Shannon L. Rieder, Amanda M. VanDenheuvel and Alyssa Ann Epley. The motion carried unanimously.

Continuing Education

A motion was made by Ms. Dunning, second by Mr. Cannon, to approve the continuing education requests as follows. The motion was unanimously carried.

Lauren Heydt

Gokhale Method – 9 Elective

Michael Baer

Prevention and Care of Athletic Injuries/Movement Analysis
Motor Learning and Motor Control
Human A & P I
Musculoskeletal Biomechanics
Sport Biomechanics

Hong Dong Zhang

Professionalism & Ethics – 4 Core
Chinese Bodywork (Tuina) – 8 Core

Michelle Reynolds

Oncology Considerations for Spa Professionals – 12 Core

Joanne Hennessy Slawter - *Tabled; proof of classroom/hands-on training requested*****

Advanced Foot Function – 20 Core

Kim Blanch

Reconnective Healing (ReReview) – accepted withdraw request, NO APPROVAL

American Massage Therapy Association

Active Isolated Stretching: Releasing the Shoulders – 4 elective
Heart-Centered Marketing for Massage Professionals – 4 elective
Myofascial Sports Massage – 4 core
Closing Panel: From the Heart: Massage & Cardiovascular Health – 2 elective
Talking to Your Clients About Skin Cancer – 2 elective
Massage Ethics: Navigating the Deep Waters – 2 core

Rachelle McLellan – LMT

BIO 121 – A & P II – 5 core

****Ms. Reynolds** addressed the Board with questions regarding the approval of courses as either core or elective. She indicated that Reiki is always considered elective by the Board, but that some of the bodies that approve Reiki (NCBTMB) consider it to be core. She further stated that the definition (of Reiki) according to the national organizations in “light touch or no touch”, so light touch courses should be considered core following those guidelines. Ms. Jachimowski stated that the definition has never been made clear and is constantly changing. She stated that different instructors taught the class differently, and that should be clearly indicated when they submit a request for CE approval. How the course is taught is entirely up to the instructor. Mr. Gelley commented that if the Board accepts the organizations, then they should accept their definition of the modality. Ms. Kelly suggested to carry this conversation over to the next meeting for further discussion as a separate agenda item, the Board agreed and invited Ms. Reynolds to the next meeting to join the discussion.

Review of CE Extension Requests

A motion was made by Mr. Gelley, second by Ms. Dunning to re-approve the CE extension request of Nina Stamus, allowing her an additional 3 months beyond the pending expiration to complete her required CE. Ms. Stamus will need to complete the required CE on or before November 30, 2014. The motion carried unanimously.

The Board reviewed the CE extension request of Stephanie Blusk. Although they denied her request for such a lengthy extension, the Board approved a 90 day extension, but also suggested that she rather consider placing her license on inactive status until she is able to complete the required CE. A motion was made by Mr. Gelley, second by Ms. Dunning to approve a 90-day extension for completion of CE courses. The motion carried unanimously.

The Board reviewed a CE extension request from Johnnie Braxton; a motion was made by Ms. Dunning, second by Mr. Cannon to approve the request. The motion carried unanimously.

Complaint Status

20-07-12 – Office of Attorney General
20-01-13 – Hearing Officer
20-02-13 - Attorney General
20-03-13 - Attorney General
20-06-13 - Attorney General
20-09-13 – Closed
20-10-13 – Closed
20-13-13 – Closed
20-14-13 – Hearing Officer
20-17-13 – Hearing Officer
20-23-13 – Closed
20-03-14 – Closed

20-04-14 – Closed
20-05-14 – Attorney General
20-06-14 – Closed
20-07-14 – Closed
20-08-14 – Closed
20-09-14 – Attorney General
20-10-14 – Assigned
20-11-14 - Assigned

Review of Applications-Eileen Kelly

A motion was made by Mr. Gelley, second by Ms. Dunning to approve the applications of Cheryl Hudson and Noah Drummond based on DAG review. The motion carried unanimously.

A motion was made by Ms. Dunning, second by Mr. Gelley to release the administrative hold on the license of Karen Windle. The motion carried unanimously.

Discussion of defining “Approved School” and “Approved Program”

The Board reviewed the first draft of regulations surrounding educational requirements presented by Ms. Kelly. This discussion included the topic of accreditation companies accepted by the Board, DOE standards and the accreditation process. Mr. Mangler advised the Board to consider focusing on educational requirements rather than the school portion because of the detailed involvement required to approve a school. It would be more advantageous to approve a program so that they can say “this is what is required to be learned during your coursework” or “this is what (i.e. hours per topic, etc.) is required during the entirety of the education program, and what will be considered acceptable to obtain a massage license.

Mr. Mangler also addressed the need for the Board to consider the modalities of Bodywork listed under the profession while they were reviewing educational requirements. Currently, there is no avenue for someone who practices a specialty – like Rolfing or Reflexology – to obtain a massage license in DE. These professionals have years of training in this specialty, but not in the art of massage...leading to no clear avenue for licensure. They do not practice massage under the definition, only their respective specialty. He asked the Board consider including specialized course work licensure vs. certificate licensure in next month’s discussion. The Board agreed that it is a topic that needs discussion.

Review & Consideration of Orders

A motion was made by Ms. Dunning, second by Mr. Gelley to accept the Final Orders of: Colleen Dupuis, Henry Glowiak, Dane Tjaden, Huibo Wang, Francette Francois, Cindy Nybakken, Anna Liang, Carrie Long (Nelson) and Christopher Dorman. The motion carried unanimously.

Review of state statutes for licensure of massage establishments

The Board received for review the current establishment licensing laws for the states of Alabama, Florida and Louisiana. Both Ms. Kelly and Mr. Mangler advised the board that developing regulations and statute to regulate establishments would allow inspectors to enter into facilities that present themselves as offering massage services and request licenses, etc. However, they must also consider how those licensee who provide “out-calls” will be affected by these laws.

Election of Officers

A motion was made by Mr. Gelley, second by Ms. Dunning to table the election of officers until September due to the absence of 2 Board members. The motion carried unanimously.

CORRESPONDENCE

Ms. Jachimowski shared a letter submitted by FSMTB regarding changes to the topic areas of the MBLEx Content Outline. They expressed the changes were to protect the integrity of the examination process.

Ms. Jachimowski summarized a letter submitted from Mr. Richardson and Ms. Ames regarding the need for recognition of specialty licensing for Rolfers. The letter was drafted by FSMTB and made available to all certified Rolfers to present to their states governing body. The Board again reiterated that they agree there is a need to review the requirements of the modalities considered bodywork.

OTHER BUSINESS (for discussion only)

A motion was made by Ms. Dunning, second by Mr. Cannon to strike SOAP notes from under 6.0 as it was erroneously included on the agenda. The motion carried unanimously.

PUBLIC COMMENT

Ms. Francis addressed the Board during review of her hearing officer recommendation and did not wish to offer any further comment.

Ms. Reynolds addressed the Board with her concern over how licensees are alerted to important topics regarding the massage & bodywork profession. Ms. Strauss indicated that licensees are provided contact information to the Division including website and telephone numbers with their license issuance. Also, there are mass mailings sent out when major changes occur as a result of legislature or regulation changes (ie, the client disclosure form).

NEXT SCHEDULED MEETING

The next meeting is scheduled for September 18, 2014 at 1:30 p.m.

ADJOURNMENT

There being no further business, a motion was made by Mr. Gelley, second by Ms. Dunning, to adjourn the meeting. The motion carried unanimously. The meeting was adjourned at 5:56p.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Strauss', written in a cursive style.

Maggie Strauss
Administrative Specialist II